

REMARKS

This Amendment is filed in response to the Office Action dated June 12, 2008, directed to pending claims 1-61. In that Office Action, pending claims 1-61 are rejected on the following grounds: claims 1-11, 16-40 and 45-60 are rejected under 35 USC 103(a) as unpatentable over US Patent No. 6,018,528 to Gitlin et al. ("Gitlin") in view of US Patent No. 6,563,806 to Yano et al. ("Yano") and claims 12-15 and 41-44 are rejected under 35 USC 103(a) as unpatentable over Gitlin, in view of Yano, in further view of US Published Application No. 2002/0051424 to Krishnamoorthy et al. ("Krishnamoorthy"). In response, Applicant has amended independent claims 16, 22, 24 and 26 to clarify the operation of the "allocation information allocating section." Independent claims 28, 45, 53, 56 and 59 have not been amended as those claims in their current form are clearly distinguishable over the prior art. In view of the amendments and the remarks herein, Applicant respectfully submits all pending claims are allowable over the cited prior art.

In rejecting claims 1-11, 16-40 and 45-60, the Examiner relies on Yano and Gitlin. With respect to Yano, the Examiner asserts that Yano "discloses an allocation information applying section for applying allocation information for said first wireless communication terminal or said second wireless communication terminal when the carriers are allocated to either said first wireless communication terminal or said second wireless communication terminal." That language was present in claims 1, 16, 22, 24 and 26 prior to the present amendment, which clarifies this aspect of the claims. However, notwithstanding the amendments, Yano does not teach or suggest the claimed "allocation information allocating section."

Rather, Yano discloses reserving carriers for a plural carrier communication in order to reduce call loss. For example, Yano explains: "the present invention relates to a radio base station which communicates with multiple mobile stations through radio traffic channels, and more particularly to a **multi-carrier TDMA radio base station** and a method of traffic channel assignment in which multiple carrier frequencies and multiple time slots which are formed at each carrier frequency on a time-division basis are combined selectively thereby to establish multiple radio traffic channels." Col. 1, lines 10-15. Thus, as explained above, Yano is directed to a multi-carrier TDMA system and not one that manages communications between single carrier and multi-carrier terminals. As such, Yano fails to disclose "an allocation information allocating section for allocating allocation information for one carrier or a plurality of carriers to a wireless communication terminal when at least one carrier is allocated to said wireless communication terminal," as claimed. In other words, in the pending claims, unlike in Yano or any other cited prior art, the base station **allocates** allocation information for one carrier or a plurality of carries to a wireless communication terminal (first terminal or second terminal) **when** at least one carrier is allocated to the wireless communication terminal. Thus, claims 1, 16, 22, 24 and 26 are not rendered obvious by the combination of Gitlin and Yano. For the same reasons, all claims dependent on any of claims 1, 16, 22, 24 and 26 are not rendered obvious by that combination of references. Krishnamoorthy, which is cited against claims 12-15 and 41-44, does not cure the noted deficiencies in Gitlin and Yano and therefore does not render those claims obvious.

Independent claims 28 and 45 recite the following: "an allocation information applying section for applying said single-carrier allocation information to said first wireless communication terminal, and allocating said multi-carrier allocation information to said second

wireless communication terminal when said second wireless communication terminal performs communications by using said plurality of carriers." As with independent claims 1, 16, 22, 24 and 26, claims 28 and 45 make clear that the base station **allocates** allocation information for one carrier or a plurality of carries to a wireless communication terminal (first terminal or second terminal) **when** at least one carrier is allocated to the wireless communication terminal. In claims 28 and 45, multi-carrier allocation information is allocated to the second wireless communication terminal when the second wireless communication terminal performs communications by using a plurality of carriers. Thus, like claims 1, 16, 22, 24 and 26, claims 28 and 45, and any claims dependent on those claims are not rendered obvious by the combination of Gitlin and Yano.

Similarly, claims 53 and 56 recite "wherein said wireless communication terminal judges a destination of a communication packet transmitted from said base station based upon said **multi-carrier allocation information contained in a header of said transmitted packet so as to perform the packet communication with respect to said base station by using the plurality of carriers.**" Claim 59 is also similar in that it recites "wherein said wireless communication terminal judges a destination of a communication packet in one frame of a predetermined number of time slots transmitted from said base station **based upon said multi-carrier allocation information contained in a header of said transmitted packet so as to perform the packet communication with respect to said base station by using the plurality of carriers.**" Like the prior discussed claims, claims 53, 56 and 59 encompass use of allocation information from the base station to a wireless communication terminal (first terminal or second terminal). In those claims, the allocation information is in the header information. That information permits communication with the base station using the plurality of carriers. Thus,

like the other claims, claims 53, 56 and 59 and any claims dependent on those claims are not rendered obvious by the combination of Gitlin and Yano.

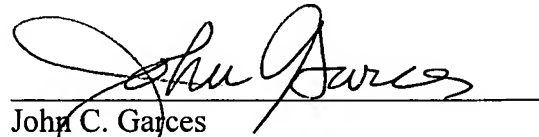
The Examiner also asserts that Yano "discloses an allocation information storage section . . ." However, Applicant has amended claims 1, 16, 22, 24 and 26 to clarify that the allocation information storage section stores "allocation information for one carrier or a plurality of carriers." Yano also fails to disclose storing the allocation information for one carrier or a plurality of carriers, which is actually allocated to a wireless communication terminal. Rather, as indicated by the portion of Yano cited by the Examiner, in Yano, "the single channel management table 300 stores one candidate channel for each of the time slots TS1-TS4. This is not the same as storing "allocation information for one carrier or a plurality of carriers" as required by claims 1, 16, 22, 24 and 26. Similarly, claims 28 and 45 recite "an allocation information storage section for storing allocation information including single-carrier allocation information and multi-carrier allocation information," which is not disclosed in Yano or any other cited prior art. Thus, claims 1, 16, 22, 24, 26, 28 and 45, and all claims dependent on those claims, are not rendered obvious over the combination of Gitlin and Yano (or any other cited prior art) on this separate ground.

In sum, in the claimed invention, the base station can manage the number of single carrier communication and the number of multi-carrier communication by using the allocation information unlike in the cited prior art.

The Examiner is urged to telephone Applicant's undersigned counsel at the number noted below if it will advance the prosecution of this application, or with any suggestion to resolve any condition that would impede allowance. In the event that any extension of time is required, Applicant petitions for that extension of time required to make this response timely. Kindly charge any additional fee, or credit any surplus, to Deposit Account No. 50-0675, Order No. 848075-53.

Respectfully submitted,

Date: December 12, 2008


John C. Garces
Reg. No. 40,616
Schulte Roth & Zabel, LLP
919 Third Avenue
New York, NY 10022